

2002.

Upon entry of the present amendment, the claims in the application are claims 1-20, of which claims 1, 9, 18 and 19 are independent.

Claims 1 and 9 are amended by further defining that: the connecting member/mechanism is made of a substantially non-compressible material and retains the slide board and step board in a fixed, substantially parallel and spaced relationship during use of the snowboard. Claim 8 is amended to change its dependency to claim 7, so that the language "connecting members" has a proper antecedent basis, while claims 3 and 14 are amended to correct a typographical error (the term "step board" in original claim 3 was inadvertently changed to -snowboard- in Amendment-A, and the mistake was duplicated in claim 14). New independent claim 18 is similar to claim 9, but defines that the slide and step boards are connected via the connecting mechanism so as to prohibit relative pivoting between the boards, while new independent claim 19 defines that the step board is appreciably greater in both length and width than the slide board and that the slide and step board are connected via the connecting mechanism in spaced relation so as to allow a substantially increased leverage for the user in controlling the slide board. New dependent claims 15, 16 define further features of the connecting member relating to its fixed height and that at least two of the members are included with the snow board in a laterally spaced relationship, while new dependent claims 17 and 20 present features corresponding to some in claims 9 and 18.

The specification is amended to provide an express antecedent basis for the language of the amended claims.

Applicant respectfully submits that the amendments presented are fully supported by the original application, and do not constitute new matter. Specifically, applicant notes the discussion at page 2, lines 10-14, page 5, line 25 - page 6, line 17, and Figs. 3-4 of the original specification.

Rejection Under 35 U.S.C. §102(b)

The Examiner has rejected claims 1-3, 6, 8-10 and 12-14 under 35 USC §102(b) as being anticipated by Dykema et al. (US Patent 4,848,781), as set forth at item 3 of the Office Action. It is the Examiner's position that Dykema's pivoting deck snow board includes all of the limitations of the rejected claims, including a connecting member which connects the slide and step boards in substantially parallel and spaced relationship and is formed of relatively rigid material (the elastomeric material 26 and/or the screw and nut 35, 38); a step board having appreciably greater length than the slide board (as allegedly shown by Dykema's fig. 7); and a tubular connecting member (elastomeric member 26).

Applicant's Response

Upon careful consideration and in view of the proposed amendments to claims 1 and 9, applicant respectfully submits that the snowboard of each of claims 1-3, 6, 8-10 and 12-14 is clearly patentably distinct over the Dykema reference, because pivoting deck snow board clearly does not include (but rather teaches away from) the use of a substantially non-compressible connecting member which retains the step board and slide board in a fixed, substantially parallel relationship during use of the snowboard as now defined in claims 1 and 9, and other features of the invention set forth in the dependent claims.

Relative to independent claims 1 and 9, applicant respectfully submits that Dykema's elastomeric material 26 is not substantially non-compressible as defined in claim 1, nor does it retain the two boards together in a fixed, substantially parallel and spaced relationship during use of the snow board. Rather, Dykema requires (as an essential feature) the two boards to pivot along the longitudinal axis as shown in his Fig. 3, and for this purpose the connecting member 26 is formed of a flexible, elastomeric material. Applicant notes that Dykema's (optional) bolt/nut 35, 38 does not function to attach the two boards together in a substantially parallel, spaced relation, but instead functions as a means to adjust the degree of flexibility of the elastomeric material 26.

Applicant, again respectfully submits that the above distinctions are significant because the claimed invention achieves important advantages over conventional snowboards, including that of Dykema, e.g., the ability to move on and off the snowboard for performing a variety of flashy tricks similar to those performed on a skateboard because the snowboarder gains a leverage in controlling the edges of the slide board without any substantial effort. No such leverage is achieved by Dykema's flexing connecting member 26, which permits the edges of the two boards to directly engage each other.

Relative to the dependent claims, applicant respectfully submits that: the upper and lower panels of Dykema's snow board have the *exact same length*, as shown in his Fig. 7, and hence do not meet the limitation of claim 3 that the length and width of the deck board are —appreciably greater— than those of the slide board; Dykema's flexible connection 26 does not retain the two boards in fixed, substantially parallel spaced relationship, as required by claim 6 and discussed above; a tubular connecting member as defined in claims 8 and 12, noting that the sides of Dykema's connecting member 26 are curved (concave), not straight, as Shown in his Figs. 4 and 6; etc.

Based on the foregoing, applicant respectfully submits that the rejection of claims 1-3 under 35 U.S.C. § 102(b) based on the Dykema patent is overcome, and accordingly it is respectfully requested that the rejection be reconsidered and withdrawn.

Rejections Under 35 U.S.C. §103(a)

At items 5-8 of the Office Action, the Examiner has rejected: claims 1-3 and 5-14 under 35 U.S.C. §103(a) as being unpatentable over Dodge ; claim 4 under 35 U.S.C. §103(a) as being unpatentable over Dykema et al. in view of Tinkler (US Patent 5,544,919); claim 5 under 35 U.S.C. §103(a) as being unpatentable over Dykema et al. in view of Laughlin et al. (US Patent 5,915,721); and claims 7 and 11 under 35 U.S.C. §103(a) as being unpatentable over Dykema et al. It is the Examiner's position that: Dodge's rider supporting assembly for snowboards, together with common knowledge of screws and snowboard bindings meets all of the

limitations of claims 5-13; Dykema's elastomeric connecting member 26 is reasonably interpreted as a hard plastic member; it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide Dykema's snow board with a foot support apparatus and a binding, as taught respectively by Tinkler and Laughlin, and that the claims 4-5 are rendered obvious by the modified snow board.

Upon careful consideration and (again) in view of the proposed amendments to claims 1 and 9, applicant respectfully submits that the snowboard of each of claims 1-14 is clearly patentably distinct over the applied references, based on the foregoing arguments regarding the deficiencies of Dykema, which are not overcome by any additional teachings of Tinkler and Laughlin (neither of which pertains to a snowboard having deck and runner boards held in spaced parallel relation by a connecting member), because Dodge's supporting assembly also fails to teach or make obvious the invention as defined in any of the rejected claims; and because Dykema's flexible elastomeric member 26 is not formed of "hard plastic" according to any reasonable interpretation of these terms.

Like Dykema's snowboard, Dodge's supporting assembly is fundamentally distinct from the snow board of independent claims 1 and 9 because the connecting member/mechanism between the mounting plate 28 and the snowboard 10 is not constructed of only substantially non-compressible material, and does not attached the two components in a fixed, substantially parallel relationship during use of the snowboard. Rather, Dodge requires (as an essential feature) the mounting plate 28 and snowboard 10 to flex or bend independently from each other in a lateral direction, and for this purpose rubber pads 42 (and optionally semi-spherical washers 54) are interposed between the plate and board. See col. 4, lines 36-49. The connection joints are designed to permit the tilting or pivoting of the plate and/or board with respect to the connecting member. This is a "simply supported condition" of a beam as taught by the theory of beams. Such distinctions are, again further emphasized by the above proposed amendments to the claims.

Because of such distinctions, Dodge's disclosed invention also fails to achieve the advantages of the present invention, e.g., the ability to move on and off the snowboard for performing a variety of flashy tricks similar to those performed on a skateboard because the snowboarder gains a leverage in controlling the edges of the slide board without any substantial effort.

Additionally, Dodge's supporting assembly does not meet or suggest the features of: claims 3 and 14 (clearly the mounting plate 28 is much smaller than the snowboard 10 in longitudinal and lateral dimensions); claim 6, noting that the resilient pad 42 intentionally prevents the relationship between the plate and snowboard from being "fixed"; claims 8 and 12, noting that the connecting screws 40 are not tubular; etc.

Still further, applicant respectfully traverses the Examiner's interpretation of Dykema's elastomeric connecting member 26 as being "hard plastic" because such interpretation is not reasonable in view of the plain meaning of "elastomeric" and in view of applicant's disclosure, which indicates that the hard nature of the connecting member/mechanism retains the fixed relationship of the two boards and permits the snowboarder to gain a leverage in controlling the edges of the slide board without any substantial effort. Such conditions are not met, but actually taught away from, by Dykema's flexible elastomeric member 26.

In view of the foregoing, the rejections of claims 1-14 under 35 U.S.C. §103(a) are believed to be overcome, and accordingly it is respectfully requested that the rejections of these claims be reconsidered and withdrawn.

New claims 15-20 are believed to be allowable over the reference of record for substantially the same reasons as discussed above in relation to claims 1 and 9, and for the additional features set forth in these new claims.

Conclusion

In conclusion, applicant has overcome the Examiner's rejections as presented in the Office Action; and moreover, applicant has considered all of the references of record, and it is

respectfully submitted that the invention as defined by each of the present claims is clearly patentably distinct thereover.

The application is now believed to be in condition for allowance, and a notice to this effect is earnestly solicited.

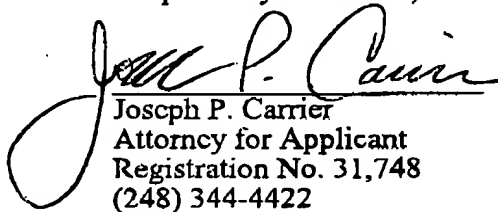
If the Examiner is not fully convinced of all of the claims now in the application, applicant respectfully requests that she telephonically contact applicant's undersigned representative to expeditiously resolve prosecution of the application.

Applicant is filing a Request For Continued Examination (RCE) concurrently herewith.

Favorable reconsideration is respectfully requested.

Respectfully submitted,

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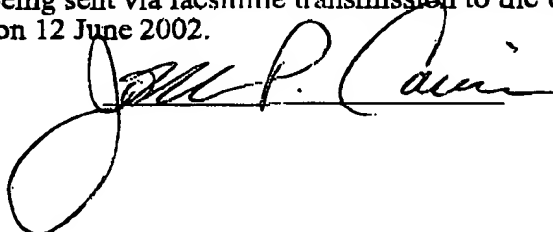

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being sent via facsimile transmission to the US Patent & Trademark Office, Art Unit 3618, on 12 June 2002.

Dated: 12 June 2002

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[Marked up copy of paragraph at page 5, line 25 - page 6, line 4]

The four connecting tubular members 4 retain the slide board 2 and step board 3 in affixed parallel relationship in cooperation with the threaded bolts 6 and nuts 7, and are typically provided inward of the depicted imaginary lines 14 where the boots of the snowboarder are placed. The tubular members 4 are typically made of hard plastic material or metallic material. As will be understood, the tubular members, as well as the bolts 6 and nuts 7, are made of relatively rigid, substantially non-compressible materials, such that they maintain a substantially fixed height and substantially prevent relative pivoting between the slide and step boards.

(Marked up copy of amended claims)

1. (Twice amended) A snowboard for sliding over snow, comprising:

an elongated slide board having a slide surface on a lower surface thereof; and
an elongated step board defining a deck on an upper surface thereof, and attached to an upper surface of the slide board in a substantially parallel and spaced relationship via a connecting member made of [relatively rigid] substantially non-compressible material; and the connecting member/mechanism retains the slide board and step board in a fixed, substantially parallel and spaced relationship during use of the snowboard.

3. (Amended) A snowboard according to claim 1, wherein the [snowboard] step board is appreciably greater in both length and width than the slide board.

8. (Amended) A snowboard according to claim [1] 7, wherein the connecting members are tubular in shape.

9. (Amended) A snowboard for sliding over snow, comprising:

an elongated slide board having a slide surface on a lower surface thereof; and
an elongated step board defining a deck on an upper surface thereof, and attached to an upper surface of the slide board [in a fixed, substantially parallel and spaced relationship] via a connecting mechanism made of substantially non-compressible material such that the slide and step boards remain in a fixed, substantially parallel and spaced relationship during use of the snowboard.

14. (Amended) A snowboard according to claim 9, wherein the [snowboard] step board is appreciably greater in both length and width than the slide board.